

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 DARRAL ELLIS,

4 Plaintiff

Case No. 2:19-cv-02164-APG-VCF

ORDER

5 v.

6 WARDEN HOWELL,

7 Defendants
8

9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections
11 (“NDOC”), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and filed an
12 application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1).

13 Plaintiff’s application to proceed *in forma pauperis* is incomplete. Pursuant to 28
14 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to
15 proceed *in forma pauperis* and attach both an inmate account statement for the past six
16 months and a properly executed financial certificate on this Court’s approved form. .
17 Plaintiff has not submitted a properly executed financial certificate on this Court’s
18 approved form or an inmate account statement for the past six months. (See ECF No.
19 1). As such, the *in forma pauperis* application is denied without prejudice. The Court will
20 retain Plaintiff’s civil rights complaint (ECF No. 1-1), but will not file it until the matter of
21 the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure
22 the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay
23 the full \$400 filing fee for this action. If Plaintiff chooses to file a new application to
24 proceed *in forma pauperis* he must file a fully complete application to proceed *in forma*
25 *pauperis*, including an inmate account statement for the past six months and a properly
26 executed financial certificate on the Court’s approved form.

27 **II. CONCLUSION**

28 For the foregoing reasons, IT IS ORDERED that Plaintiff’s application to proceed

1 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

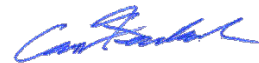
2 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the
3 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
4 document entitled information and instructions for filing an *in forma pauperis* application.

5 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
6 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis*, on
7 the correct form with complete financial attachments, including an inmate account
8 statement for the past six months and a properly executed financial certificate on the
9 Court's approved form, in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400
10 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative
11 fee).

12 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
13 dismissal of this action may result.

14 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
15 (ECF No. 1-1) but will not file it at this time.

16 DATED: 12-20-2019 _____



17
18 UNITED STATES MAGISTRATE JUDGE